Supreme Court, U.S.
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No. 88-1294

IN THE

Supreme Court of the United States

OCTOBER TERM, 1988

PRAMOD K. SHARMA,

Petitioner,

v.

LOCKHEED ENGINEERING AND MANAGEMENT SERVICES COMPANY, INC.,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Fourth Circuit

RESPONDENT'S BRIEF IN OPPOSITION

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QUESTIONS PRESENTED

Upon a showing by the Respondent that no relevant evidence was likely to result from the deposition of its president, Robert B. Young, Jr., that the information sought by the Petitioner was already and more easily available, and that the deposition would be unduly burdensome under the circumstances, the district court issued a protective order precluding Young's deposition. The Court of Appeals affirmed this decision, ruling that it was "far from an abuse of discretion." The questions before this Court are:

I. Does this Court have jurisdiction to determine the appropriateness of the protective order when, even were the order found to be inappropriate, the Petitioner's claims would remain barred by the statute of limitations?

II. Even if this Court would have jurisdiction, should the Court grant certiorari to consider a mundane discovery dispute that turns upon the particular facts of this case, involves no new or important legal issues, and applies legal rules that are recognized by all of the circuits?

PARTIES TO THE PROCEEDINGS IN THE COURT OF APPEALS

The parties to the proceedings in the Court of Appeals were the Appellant (now the Petitioner) Pramod K. Sharma and the Appellee (now the Respondent) Lockheed Engineering and Management Services Company, Inc.[1]

[1] Lockheed Engineering and Management Services Company, Inc. is now known as Lockheed Engineering & Sciences Company. It is a wholly owned subsidiary of Lockheed Corporation. A list of all subsidiaries and affiliated companies is attached hereto as Appendix A.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDINGS IN THE COURT OF APPEALS	ii
TABLE OF CONTENTS	iii
TABLE OF AUTHORITIES	iv
JURISDICTION	1
PERTINENT FEDERAL RULES AND STATUTES	2
STATEMENT OF THE CASE	4
REASONS FOR DENYING THE WRIT	10
I. The Court Does Not Have Jurisdiction To Decide The Issue Presented In Sharma's Petition Because It Is Moot And The Court's Decision On The Issue Would Have No Effect On The Outcome Of The Case	10
II. This Case Arises From A Mundane Discovery Dispute Which Does Not Involve Any New Or Important Legal Issues But Only A Challenge To The Application of Familiar Legal Rules To The Particular Facts Of This Case	12
III. The Decision Below Did Not Adopt Any New Or Special Rule, But Merely Applied Familiar Legal Rules Recognized By This Court And The Other Circuits	14
IV. The Decision Below Does Not Offend Principles Of Fairness Because Sharma Had More Than Ample Opportunity For Discovery	16
CONCLUSION	17
APPENDIX	1a

TABLE OF AUTHORITIES

CASES:	Page
Ardrey v. United Parcel Service, 798 F.2d 679 (4th Cir. 1986), *cert. denied*, 480 U.S. 934 (1987) .	13,16
Blum v. Gulf Oil Corp., 597 F.2d 936 (5th Cir. 1979)	13
Brown-Bey v. United States, 720 F.2d 467 (7th Cir. 1983)	13
Canadian American Oil Co. v. Union Oil Co. of California, 577 F.2d 468 (9th Cir. 1978), *cert. denied*, 439 U.S. 912 (1978)	16
Chrysler Corp. v. Fedders Corp., 643 F.2d 1229 (6th Cir. 1981), *cert. denied*, 454 U.S. 893 (1981) .	16
Dabney v. Montgomery Ward & Co., Inc., 761 F.2d 494 (8th Cir. 1985), *cert. denied*, 474 U.S. 904 (1985)	13,16
Deitchman v. E. R. Squibb & Sons, Inc., 740 F.2d 556 (7th Cir. 1984)	16
Farnsworth v. Proctor & Gamble Co., 758 F.2d 1545 (11th Cir. 1985)	14
Galella v. Onassis, 487 F.2d 986 (2d Cir. 1973) ...	13
Grattan v. Burnett, 710 F.2d 160 (4th Cir. 1983), *aff'd*, 468 U.S. 42 (1984)	11
Harden v. Adams, 760 F.2d 1158 (11th Cir. 1985), *cert. denied, Grimmer v. Harden*, 474 U.S. 1007 (1985)	16
Herbert v. Lando, 441 U.S. 153 (1979)	13
Misco, Inc. v. U.S. Steel Corp., 784 F.2d 198 (6th Cir. 1986)	13
Naartex Consulting Corp. v. Watt, 722 F.2d 779 (D.C. Cir. 1983), *cert. denied*, 467 U.S. 1210 (1984)	14
North Carolina v. Rice, 404 U.S. 244 (1971)	10,11
Otero v. Buslee, 695 F.2d 1244 (10th Cir. 1982) ...	16

Table of Authorities Continued

	Page
Perel v. Vanderford, 547 F.2d 278 (5th Cir. 1977)	16
Robertson v. National Basketball Association, 622 F.2d 34 (2d Cir. 1980)	16
Smith v. Ford Motor Co., 626 F.2d 784 (10th Cir. 1980), *cert. denied*, 450 U.S. 918 (1981)	13
Stich v. United States, 730 F.2d 115 (3d Cir. 1984), *cert. denied*, 469 U.S. 917 (1984)	13
United Presbyterian Church in the U.S.A. v. Reagan, 738 F.2d 1375 (D.C. Cir. 1984)	16
United States v. Johnston, 268 U.S. 220 (1925)	13
United States v. Meyer, 398 F.2d 66 (9th Cir. 1968)	13
Watts v. Office of Personnel Management, 814 F.2d 1576 (Fed. Cir. 1987), *cert. denied*, 108 S. Ct. 258 (1987)	16
Wisniewski v. Johns-Manville Corp., 812 F.2d 81 (3d Cir. 1987)	16
STATUTES AND RULES:	
42 U.S.C. § 1981 (1982)	*passim*
FED. R. CIV. P. 26(b)(1)	2,9
FED. R. CIV. P. 26(c)	*passim*
FED. R. CIV. P. 30(b)(6)	*passim*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

RESPONDENT'S BRIEF IN OPPOSITION

JURISDICTION

The Court does not have jurisdiction to decide the issue presented in the Petition for a Writ of Certiorari, because the issue is moot, and the Court's decision on the issue presented would have no effect on the outcome of the case. Even if the challenged protective order were inappropriate, the Petitioner's claim still was barred by the statute of limitations, a fact which the Petitioner does not challenge.

PERTINENT FEDERAL RULES AND STATUTES

42 U.S.C. § 1981, in pertinent part, provides:

> All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts . . . as is enjoyed by white citizens. . . .

Federal Rule of Civil Procedure 26(b)(1) provides:

> Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.
>
> The frequency or extent of use of the discovery methods set forth in subdivision (a) shall be limited by the court if it determines that: (i) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery

> has had ample opportunity by discovery in the action to obtain the information sought; or (iii) the discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation. The court may act upon its own initiative after reasonable notice or pursuant to a motion under subdivision (c).

Federal Rule of Civil Procedure 26(c) provides:

> Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending or alternatively, on matters relating to a deposition, the court in the district where the deposition is to be taken may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) that the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the court; (6) that a deposition after being sealed be opened only by order of the court; (7) that a trade secret or other confidential research, develop-

> ment, or commercial information not be disclosed or be disclosed only in a designated way; (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.

Federal Rule of Civil Procedure 30(b)(6) provides:

> A party may in the party's notice and in a subpoena name as the deponent a public or private corporation or a partnership or association or governmental agency and describe with reasonable particularity the matters on which examination is requested. In that event, the organization so named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. A subpoena shall advise a non-party organization of its duty to make such a designation. The persons so designated shall testify as to matters known or reasonably available to the organization. This subdivision (b)(6) does not preclude taking a deposition by any other procedure authorized in these rules.

STATEMENT OF THE CASE

From January 1981 to October 1985, the Petitioner, Pramod K. Sharma ("Sharma"), was employed by the Respondent, Lockheed Engineering and Management Services Company, Inc. ("Lockheed"), as a relatively low-level computer programmer. Court of Appeals Joint Appendix ("Ct. App. J.A.") 144, 149. On August

8, 1986, Sharma filed suit against Lockheed in the United States District Court for the District of Maryland. Pet. App. 4a.[2] Only one count of the Complaint, the "Third Cause of Action," was at issue in the appeal to the court below, and it is only this count that is addressed in Sharma's present Petition. This Third Cause of Action asserted a racially discriminatory breach of an alleged agreement relating to Sharma's transfer from Houston, Texas to Greenbelt, Maryland in 1982. Ct. App. J.A. 13. Specifically, Sharma claimed that, in connection with his transfer, Lockheed orally agreed to purchase his home in Houston, but breached that agreement. Ct. App. J.A. 44. The count was styled as a breach of contract/§ 1981[3] claim. Ct. App. J.A. 13; Pet. App. 2a.

Lockheed denied that it ever agreed to purchase Sharma's home under any circumstances. Nonetheless, during the course of discovery, Sharma was afforded every reasonable opportunity to obtain facts to support his claim that there was such an agreement, and that Lockheed breached the agreement. The district court extended the discovery deadline no less than five times. Ct. App. J.A. 71-75, 221.1. Despite the extended discovery, Sharma still was not able to produce any facts to support his claim.

Lockheed produced for Sharma over 4,500 documents, including personnel files containing information on other transferred and relocated employees,

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[2] The decisions below of the district court and the United States Court of Appeals for the Fourth Circuit are reprinted in the Appendix of Sharma's Petition for a Writ of Certiorari, referred to herein as "Pet. App."

[3] 42 U.S.C. § 1981 (1982).

but Sharma could not point to any similarly situated nonminority employee whose home Lockheed had purchased. Ct. App. J.A. 56-58. Lockheed also produced its written relocation policies, which contained no suggestion that Lockheed would purchase a relocated employee's home. Ct. App. J.A. 152. Sharma's own relocation papers, which detailed the expenses for which he would be reimbursed and the other arrangements the company would make in connection with his relocation to Greenbelt, made no mention of any agreement to purchase Sharma's Houston home under any circumstances. Ct. App. J.A. 159.

Among the depositions taken in the case was Sharma's deposition of Adrienne Allen. Ms. Allen was deposed pursuant to Rule 30(b)(6), FED. R. CIV. P. Ct. App. J.A. 43. She was Lockheed's Manager of Human Resources and was responsible for personnel matters and the administration of Lockheed's policies, including Lockheed's relocation policy. Ct. App. J.A. 143, 145. Sharma's Petition mischaracterizes Ms. Allen's deposition and suggests that she did not know if Lockheed had purchased the homes of other relocated employees and that she was not familiar with the relevant policies. To the contrary, Ms. Allen was familiar with the relevant company policies and testified that Lockheed had not purchased the home of any employee transferred from one location to another—"I DO NOT KNOW OF ANY AND AS FAR AS I KNOW THERE HAVE BEEN NONE." Ct. App. J.A. 435. Sharma chose not to propound interrogatories in this case, but if he had, Ms. Allen's testimony would have been confirmed. Lockheed has never purchased the home of any similarly situated employee.

After the eventual close of discovery, Lockheed moved for summary judgment on Sharma's entire Complaint. Ct. App. J.A. 84. With regard to the claim concerning the alleged agreement to purchase Sharma's home, the Third Cause of Action, Lockheed moved for summary judgment on several grounds, including the ground that Sharma was not able to produce any facts establishing the racial motivation required under § 1981, and that the claim was barred by the applicable three-year statute of limitations. Ct. App. J.A. 84. The district court agreed and granted Lockheed summary judgment. Pet. App. 11a.

In appealing the district court's decision to the United States Court of Appeals for the Fourth Circuit, Sharma did not dispute the fact that he had failed to produce any evidence of racial motivation. Instead, Sharma argued that the district court's grant of summary judgment should be reversed because, during discovery, the district court issued a protective order which prevented him from deposing Lockheed's president, Robert B. Young, Jr., and, thus, allegedly prevented him from obtaining the necessary evidence of race discrimination with regard to Lockheed's refusal to purchase his Houston home. (Sharma did not argue that Young's deposition would have had any impact on the award of summary judgment on limitations grounds.)

When Sharma had attempted to depose Young, Lockheed objected and moved for a protective order pursuant to Rule 26(c), FED. R. CIV. P. Ct. App. J.A. 527. The district court held a hearing on Lockheed's motion. Ct. App. J.A. 438. Contrary to the recitation of the proceedings in Sharma's Petition, at the hearing the district court imposed on Lockheed

the initial burden of going forward and establishing good cause for a protective order preventing Young's deposition. Ct. App. J.A. 441. In satisfaction of that burden, Lockheed first reviewed for the district court the numerous procedural flaws in Sharma's attempt to depose Young, including the lack of advance notice of the deposition, lack of service, and lack of an effective subpoena. (Sharma attempted to depose Young, an individual, under Rule 30(b)(6), giving only two business days' notice. The deposition was to be taken in Texas, and Sharma attempted to serve on Lockheed's counsel a subpoena for Young, a Texas resident, issued out of the court in Maryland.) Ct. App. J.A. 442, 443-46.

In addition to reciting the procedural defects, Lockheed also informed the district court that it was seeking a protective order because Sharma's attempt to depose Young was for no legitimate purpose, but rather was an effort to harass Lockheed by imposing on its president the burden of appearing for a deposition when he had no relevant information. Ct. App. J.A. 446. In this regard, Lockheed presented the district court with an affidavit signed by Young confirming that he was Lockheed's president; that he had never met Sharma; that he had no personal knowledge regarding Sharma's employment; and, that he knew nothing about the allegations in this case. Ct. App. J.A. 445, 534. Lockheed also emphasized that there were alternative sources who, unlike Young, possessed relevant knowledge. In this regard, Lockheed pointed out that, with respect to the subjects designated in the notice of deposition for Young, and specifically, questions concerning Lockheed's relocation policies, Sharma already was in the middle of a

Rule 30(b)(6) deposition of Lockheed's Human Resource Manager, Adrienne Allen. Ct. App. J.A. 445. As explained to the court, Ms. Allen was ready, willing and able to testify with respect to such matters and had been designated by the company to do so on its behalf. Ct. App. J.A. 445.

After Lockheed set forth the bases for the requested protective order, the district court gave Sharma the opportunity to rebut Lockheed's showing, including the opportunity to make a proffer on the relevance of Young's expected testimony. Ct. App. J.A. 449. From the response of Sharma's counsel, it was clear that no relevant evidence was likely to result from the deposition. The following excerpts from the hearing appear in the record: "MR. WOODARD [SHARMA'S COUNSEL]: WELL, THE RELEVANCE WE WON'T KNOW UNTIL WE ASK THE QUESTIONS." Ct. App. J.A. 461. "THE COURT: WELL, THE QUESTION IS WHETHER THERE IS ANY RELEVANT EVIDENCE TO BE OBTAINED UNDER RULE 26." "MR. WOODARD: WELL, WE DON'T KNOW UNTIL I ASK THE QUESTIONS." Ct. App. J.A. 474.

Finding that Lockheed had established good cause for the protective order which Sharma had not been able to rebut, the district court issued a protective order, pursuant to Rule 26(b)(1) and (c), FED. R. CIV. P., preventing Sharma from deposing Young. Ct. App. J.A. 527. In doing so, the district court specifically found that Sharma had not been able to rebut Lockheed's showing that Young had no information relevant to the matters involved in this suit, and that, under the circumstances, requiring Young to appear

for a deposition would be unduly burdensome. Ct. App. J.A. 472.

On appeal, the appropriateness of the district court's protective order was addressed below by a distinguished panel of the Fourth Circuit, consisting of Retired Associate Supreme Court Justice Powell, Chief Judge Winter, and Judge Murnaghan. The Fourth Circuit affirmed the district court's grant of summary judgment in favor of Lockheed, and concluded that, "under the circumstances," the protective order was completely justified. Pet. App. 7a.

Following the Fourth Circuit's decision affirming the district court's ruling, Sharma filed a motion to stay execution of a judgment awarded in favor of Lockheed, pending his application to this Court for a writ of certiorari. Lockheed opposed such a stay. Apparently agreeing that there was no reasonable basis for granting certiorari, the same distinguished Fourth Circuit panel denied Sharma's motion for a stay.

REASONS FOR DENYING THE WRIT

I. The Court Does Not Have Jurisdiction To Decide The Issue Presented In Sharma's Petition Because It Is Moot And The Court's Decision On The Issue Would Have No Effect On The Outcome Of The Case.

As this Court recognized in *North Carolina v. Rice*, 404 U.S. 244, 246 (1971), "Mootness is a jurisdictional question because the Court 'is not empowered to decide moot questions or abstract propositions.' " The single issue raised in Sharma's Petition—the appropriateness of the protective order preventing Young's deposition—does not raise before the Court a live case or controversy. In effect, Sharma is asking the Court to render an advisory opinion, since the outcome of

the discovery controversy will not disturb the ultimate award of summary judgment to Lockheed on the breach of contract/§ 1981 allegations contained in Sharma's Third Cause of Action.

In addition to affirming that the protective order was justified under the circumstances, the court below also affirmed that Sharma's claims relating to the purchase of his Houston home were barred by the applicable three-year statute of limitations. Pet. App. 9a. Although the court below addressed the issue by analyzing Sharma's claim alternatively as a state breach of contract claim, the unchallenged decision applied equally to bar Sharma's § 1981 claim for discriminatory breach of the alleged agreement, because the same statute of limitations applied to the § 1981 claim, as well. *Grattan v. Burnett*, 710 F.2d 160, 163 (4th Cir. 1983), *aff'd*, 468 U.S. 42 (1984).

Sharma argues that the denied deposition of Young could have led to proof of disparate treatment relevant to his § 1981 allegations. However, even if this Court were to find that Young's deposition should have been allowed, and assuming Sharma could have uncovered evidence of disparate treatment through Young, the result in this case would not be altered. Sharma's Third Cause of Action still would have failed. Lockheed still would have received summary judgment on the issue of limitations, which Sharma does not challenge. Accordingly, the Court is without jurisdiction to address the issue presented by Sharma. As this Court has held, "federal courts are without power to decide questions that cannot affect the rights of the litigants in the case before them." *North Carolina v. Rice*, 404 U.S. at 246.

II. This Case Arises From A Mundane Discovery Dispute Which Does Not Involve Any New Or Important Legal Issues But Only A Challenge To The Application Of Familiar Legal Rules To The Particular Facts Of This Case.

The unpublished decision of the court below concerning the appropriateness of the protective order preventing Young's deposition turned on the particular facts of this case. In its holding, the Fourth Circuit stated: "*Under the circumstances*, the protective order was justified." Pet. App. 7a. (Emphasis added.)

The particular "circumstances" which the court below cites as the bases for its decision include the fact that "[b]y affidavit, the proposed deponent Robert Young stated that he does not personally know Sharma and has no personal knowledge regarding the allegations of Sharma's complaint." Pet. App. 7a. The particular "circumstances" also include the fact that the information sought was duplicative and more easily obtained from other sources, and, more specifically, that at the time the protective order was entered Lockheed had made available for deposition its Manager of Human Resources and had produced over 4,500 documents, including personnel files containing information on other relocated employees, which Sharma had not yet even reviewed. Pet. App. 7a.

The court below also relied on the fact that Sharma had not "undertaken the depositions of individuals directly involved with Sharma and implicated in the case." Pet. App. 7a. It specifically found that, among others, Sharma did not attempt to depose either "George Brown, the actual promisor, or the person

Brown allegedly charged with the task of making good on that promise." Pet. App. 7a-8a. Sharma had access to such individuals, but chose not to avail himself of their testimony.

Review by this Court would involve only questions of fact and discretion which two previous courts have resolved in favor of Lockheed. As this Court has ruled, "We do not grant a [writ of] certiorari to review evidence and discuss specific facts." *United States v. Johnston*, 268 U.S. 220, 227 (1925).

Since the decision below involved the application of particular facts in the context of a discovery dispute, it is all the more inappropriate for this Court's review by grant of a writ of certiorari. As this Court has held, "[J]udges should not hesitate to exercise appropriate control over the discovery process." *Herbert v. Lando*, 441 U.S. 153, 177 (1979). Furthermore, as all the circuits agree, consideration of specific facts to resolve discovery disputes are matters left to the broad discretion of the trial courts and are not matters to be second guessed by appellate courts. *Galella v. Onassis*, 487 F.2d 986, 997 (2d Cir. 1973); *Stich v. United States*, 730 F.2d 115, 117-18 (3d Cir. 1984), *cert. denied*, 469 U.S. 917 (1984); *Ardrey v. United Parcel Service*, 798 F.2d 679, 682 (4th Cir. 1986), *cert. denied*, 480 U.S. 934 (1987); *Blum v. Gulf Oil Corp.*, 597 F.2d 936, 938 (5th Cir. 1979); *Misco, Inc. v. U.S. Steel Corp.*, 784 F.2d 198, 200 (6th Cir. 1986); *Brown-Bey v. United States*, 720 F.2d 467, 470 (7th Cir. 1983); *Dabney v. Montgomery Ward & Co., Inc.*, 761 F.2d 494, 498 (8th Cir. 1985), *cert. denied*, 474 U.S. 904 (1985); *United States v. Meyer*, 398 F.2d 66, 74 (9th Cir. 1968); *Smith v. Ford Motor Co.*, 626 F.2d 784, 796 (10th Cir. 1980), *cert. denied*, 450 U.S. 918

(1981); *Farnsworth v. Proctor & Gamble Co.*, 758 F.2d 1545, 1547 (11th Cir. 1985); *Naartex Consulting Corp. v. Watt*, 722 F.2d 779 (D.C. Cir. 1983), *cert. denied*, 467 U.S. 1210 (1984).

III. The Decision Below Did Not Adopt Any New Or Special Rule, But Merely Applied Familiar Legal Rules Recognized By This Court And The Other Circuits.

Sharma's Petition grossly mischaracterizes the decision below as a departure from established legal rules. Contrary to Sharma's assertion, the court below applied familiar and generally accepted legal rules. Only the specific facts of this case distinguish it from others.

Sharma asserts that the decision below ignored the policy favoring broad discovery. This is not so. The decision below expressly reaffirmed that general policy and specifically stated that "in discrimination cases a particularly wide latitude should be afforded plaintiffs with respect to the relevance of the requested discovery, and the district court should not 'prevent a plaintiff from pursuing a theory or an entire cause of action.' " Pet. App. 6a. Considering the specific facts of this case, the court below determined that, notwithstanding the general rule favoring broad discovery, a protective order was justified.

Also contrary to the assertion in Sharma's Petition, the decision below does not put the burden on the party seeking discovery to justify a deposition. In this case the burden was placed on Lockheed, the party resisting discovery, to establish good cause for the protective order. Lockheed satisfied this burden by showing that the proposed deponent had no relevant

information, that there were alternative sources for the information sought, and that the deposition was to harass Lockheed by imposing an undue burden on its president. Ct. App. J.A. 445-46, 534. It was only after Lockheed had established good cause for the protective order that Sharma was required to rebut Lockheed's showing. Neither the district court nor the court below relied on any single factor; instead, both courts balanced three factors—relevance, burden, and the availability of alternative sources—and concluded that a protective order was justified. Pet. App. 6a-9a; Ct. App. J.A. 472.

Sharma's characterization of the decision below as creating a special standard for corporate presidents also is grossly inaccurate. The decision below makes clear that it is not creating a special standard or assuming that the deposition of corporate presidents is inherently burdensome. In fact, the decision expressly disclaims any such special standard:

> We do not hold that the deposition of a corporate president is inherently burdensome, even where lack of knowledge is claimed, if relevant information is likely to be obtained and is not readily available elsewhere. Pet. App. 8a.

Finally, in reviewing the appropriateness of the district court's protective order, the decision below applies the generally accepted standard of review. It recognizes that controlling discovery, including the issuance of protective orders, is a matter left to the discretion of district courts, and that such rulings by the district courts should not be overturned absent a clear abuse of discretion. Pet. App. 6a. This same

abuse of discretion standard is applied by every other Circuit in ruling on discovery issues. *Robertson v. National Basketball Association*, 622 F.2d 34, 36 (2d Cir. 1980); *Wisniewski v. Johns-Manville Corp.*, 812 F.2d 81, 90 (3d Cir. 1987); *Ardrey v. United Parcel Service*, 798 F.2d at 682; *Perel v. Vanderford*, 547 F.2d 278, 280 (5th Cir. 1977); *Chrysler Corp. v. Fedders Corp.*, 643 F.2d 1229, 1240 (6th Cir. 1981), *cert. denied*, 454 U.S. 893 (1981); *Deitchman v. E. R. Squibb & Sons, Inc.*, 740 F.2d 556, 563 (7th Cir. 1984); *Dabney v. Montgomery Ward & Co.*, 761 F.2d at 498; *Canadian American Oil Co. v. Union Oil Co. of California*, 577 F.2d 468, 473 (9th Cir. 1978), *cert. denied*, 439 U.S. 912 (1978); *Otero v. Buslee*, 695 F.2d 1244, 1247 (10th Cir. 1982); *Harden v. Adams*, 760 F.2d 1158, 1167 (11th Cir. 1985), *cert. denied, Grimmer v. Harden*, 474 U.S. 1007 (1985); *United Presbyterian Church in the U.S.A. v. Reagan*, 738 F.2d 1375, 1382 (D.C. Cir. 1984); *Watts v. Office of Personnel Management*, 814 F.2d 1576, 1581 (Fed. Cir. 1987), *cert. denied*, 108 S. Ct. 258 (1987).

IV. The Decision Below Does Not Offend Principles Of Fairness Because Sharma Had More Than Ample Opportunity For Discovery.

As the decision below recognized, Sharma had more than ample opportunity for discovery, and there were a number of alternative sources for the information which he sought. Pet. App. 7a-9a. The district court extended the discovery deadline no less than five times, allowing nearly ten months of discovery. Ct. App. J.A. 71-75, 221.1. As the decision below points out, at the time the protective order was issued, Lockheed already had produced over 4,500 documents, in-

cluding personnel records of other relocated employees, which Sharma had not reviewed. Pet. App. 7a. At the same time, Sharma was in the middle of the Rule 30(b)(6) deposition of Lockheed's Manager of Human Resources, and he never made any effort to conclude that deposition. Pet. App. 7a. Although, aside from Mr. Young, Sharma could have deposed anyone he wished, including any current or former employees of Lockheed, he chose to depose only one other individual, Barry Forster, his former department manager. As the decision below emphasized, Sharma did not even attempt to depose other individuals who were most intimately involved in his case and possessed relevant information. Pet. App. 7a. Also, despite the opportunity to do so, Sharma did not propound any interrogatories.

Sharma had numerous avenues for discovery available to him. Only one witness was placed beyond his reach, and that was Lockheed's president, Robert Young. Considering the volume of information which Lockheed made available to Sharma and Sharma's failure to pursue any of the many additional opportunities for discovery, Sharma cannot possibly complain that it offends any principles of fairness or justice to prevent the deposition of a single individual, who, by affidavit, had confirmed that he had no relevant information.

CONCLUSION

For these reasons, the Petition for a Writ of Certiorari should be denied.

Respectfully submitted,

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APPENDIX

APPENDIX A

LOCKHEED CORPORATION
SUBSIDIARIES AND AFFILIATES

SUBSIDIARIES

ANALYTYX ELECTRONIC SYSTEMS, INC.
ARTEMIS MANAGEMENT SYSTEMS HOLDINGS LIMITED
ARTEMIS MANAGEMENT SYSTEMS PTY. LIMITED
ARTEMIS MIDDLE EAST E.C.
AVICOM INTERNATIONAL, INC.
AVICOM INTERNATIONAL, INC., S.A.
BROPHY & ASSOCIATES, INC.
CADAM DEUTSCHLAND GmbH
CADAM INC.
CADAM INTERNATIONAL B.V.
CADAM PACIFIC, LTD.
CALCOMP A.B.
CALCOMP B.V.
CALCOMP CANADA, INC.
CALCOMP ESPANA S.A.
CALCOMP EUROPEAN MANAGEMENT CORPORATION
CALCOMP EUROPE LTD.
CALCOMP FOREIGN SALES CORPORATION
CALCOMP GmbH
CALCOMP, INC.
CALCOMP LIMITED
CALCOMP PACIFIC, INC.
CALCOMP S.A.
CALCOMP SANDERS CHINA LIMITED
CALCOMP S.p.A.
CALCOMP TECHNOLOGY AND PROCUREMENT, INC.

CALIFORNIA COMPUTER PRODUCTS, INC.
CSL LEASING CORPORATION
DATACOM COLLECTIONS SYSTEMS CORPORATION
DATACOM CONSULTANTS, INC.
DATACOM MUNICIPAL SYSTEMS OF OHIO, INC.
DATACOM MUNICIPAL SYSTEMS OF PENNSYLVANIA, INC.
DATACOM SYSTEMS (UK) LIMITED
FORJOHN LIMITED
HIGH POINT REALTY CORPORATION
HI-TENSION REALTY CORPORATION
IMAGE RESOURCE CORPORATION
LFC CREDIT CORPORATION
LOCKHEED AEROMOD CENTER, INCORPORATED
LOCKHEED AEROPARTS, INC.
LOCKHEED AIRCRAFT (ASIA) LIMITED
LOCKHEED AIRCRAFT (AUSTRALIA) PTY. LIMITED
LOCKHEED AIRCRAFT INTERNATIONAL LIMITED
LOCKHEED AIRCRAFT SERVICE-INTERNATIONAL
LOCKHEED AIRCRAFT SERVICE SINGAPORE PRIVATE LIMITED
LOCKHEED AIR TERMINAL, INC.
LOCKHEED AIR TERMINAL OF CANADA, INC.
LOCKHEED AIR TERMINAL OF NEW YORK, INC.
LOCKHEED AIR TERMINAL, S.A.
LOCKHEED CANADA INC.
LOCKHEED CHINA, INC.
LOCKHEED CORPORATION (INTERNATIONAL) S.A.
LOCKHEED DATACOM CORPORATION
LOCKHEED DATAPLAN, INC.
LOCKHEED ELECTRONICS COMPANY, INC.
LOCKHEED ENGINEERING & SCIENCES COMPANY
LOCKHEED FINANCE CORPORATION
LOCKHEED FOREIGN SALES CORPORATION
LOCKHEED GEORGIA INTERNATIONAL SERVICES, INC.
LOCKHEED INTERNATIONAL G.m.b.H.

LOCKHEED INTERNATIONAL LIMITED TAIWAN
LOCKHEED INTERNATIONAL SERVICE AND INVESTMENT CORPORATION
LOCKHEED MATERIALS PROCESSING COMPANY
LOCKHEED MISSILES & SPACE COMPANY, INC.
LOCKHEED MORTGAGE CORPORATION
LOCKHEED SHIPBUILDING COMPANY
LOCKHEED SPACE FLIGHT COMPANY
LOCKHEED SPACE OPERATIONS COMPANY
LOCKHEED SUPPORT SYSTEMS, INC.
LOCKHEED SYSTEMS COMPANY, INC.
LOCKHEED TECHNICAL ENTERPRISES CORPORATION
LOCKHEED TECHNICAL OPERATIONS COMPANY, INC.
LOCKHEED TECHNICAL SERVICES COMPANY, INC.
LOCKHEED WESTERN EXPORT COMPANY
LOCKPORT MARINE COMPANY
MARTEMIS SYSTEMS A.G.
MEMRYKORD LIMITED
METIER, INC.
METIER MANAGEMENT SYSTEMS BENELUX B.V.
METIER MANAGEMENT SYSTEMS DEUTSCHLAND GmbH
METIER MANAGEMENT SYSTEMS FRANCE S.A.R.L.
METIER MANAGEMENT SYSTEMS HOLDING B.V.
METIER MANAGEMENT SYSTEMS INC.
METIER MANAGEMENT SYSTEMS INTERNATIONAL LIMITED
METIER MANAGEMENT SYSTEMS INTERNATIONAL N.V.
METIER MANAGEMENT SYSTEMS ITALIA S.R.L.
METIER MANAGEMENT SYSTEMS LIMITED (Japan)
METIER MANAGEMENT SYSTEMS LIMITED (U.K.)
METIER MANAGEMENT SYSTEMS PTE. LTD.
METIER MANAGEMENT SYSTEMS SWEDEN AKTIEBOLSG

METIER SYSTEMS, LTD.
MURDOCK ENGINEERING COMPANY
NIPPON CALCOMP KK
N.V. CALCOMP S.A.
SANDERS ASSOCIATES, INC.
SANDERS ASSOCIATES INTERNATIONAL, INC.
SANDERS DEVELOPMENT CORPORATION
SANDERS SECURITIES CORPORATION
STAR RECONVEYANCE CORPORATION
TERAK CORPORATION
TRISTAR PARTS, LTD.

AFFILIATES

AIROD SDN BHD
CADAM FRANCE SARL
CADAM SERVICES COMPANY
GULF TECHNOLOGY SYSTEMS GROUP
LAH LTD.
LETLOCK SAUDI ARABIA CO. LTD.
LOCKHEED-ARABIA
LOCKHEED TECHNICAL SERVICES (MALAYSIA) S.B.
PACIFIC AEROSPACE CORPORATION LIMITED
TRANSNATIONAL HOUSING COMPANY

NON-PROFIT CORPORATION

LOCKHEED LEADERSHIP FUND